

**Council**

Joe DeVito  
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*Mayor Pro Tempore*

Mary Beth Heyward  
Darryl Owens  
Kevin Phillips



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*Town Manager*

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*Chief of Police*

Jeffrey S. Coppinger  
*Operations*

Linda Bridges  
*Planning*

**Ordinance 2020-19**

**AN EMERGENCY ORDINANCE OF THE TOWN OF PORT ROYAL,  
SOUTH CAROLINA REQUIRING INDIVIDUALS TO WEAR FACE  
COVERINGS IN CERTAIN CIRCUMSTANCES IN LIGHT OF THE  
COVID-19 PANDEMIC; AND MATTERS RELATED THERETO; AND  
SEVERABILITY**

**WHEREAS**, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

**WHEREAS**, on March 13, 2020, the Governors of the State of South Carolina, the Honorable Henry McMaster, declared a state of emergency for the State of South Carolina; and

**WHEREAS**, on March 18, 2020, the Town Council ("Council") of the Town of Port Royal ("Town") declared a state of emergency for the Town, which has been reaffirmed in a series of subsequent emergency ordinances; and

**WHEREAS**, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety or property; and

**WHEREAS**, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control ("SCDHEC") confirming that localized person-to-person contact in South Carolina enables a significant risk of exposure, propagates the spread of COVID-19 infection and creates an extreme public health risk; and

**WHEREAS**, as of July 1, 2020, the total number of confirmed COVID-19 cases in the state of South Carolina was approximately 50,261 and the number of confirmed deaths was 683; with the number of confirmed cases in Beaufort County at 1,278, the number of estimated cases at 7,851, and the number of possible cases being 9,129; and

**WHEREAS**, the number of cases is growing rapidly, and if COVID-19 continues to spread in the Town, the number of person relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

**WHEREAS**, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

**WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and

**WHEREAS**, taking measures to control outbreaks minimizes the risk to the public and contributes to the health and safety of the Town’s residents and limits the spread of infection in our community and with the healthcare delivery system; and

**WHEREAS**, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the Town is taking steps to try to protect the citizens and employees of the Town from increased risk of exposure; and

**WHEREAS**, in light of the foregoing, Council deems it proper and necessary to adopt this emergency Ordinance in order to require (a) patrons of commercial establishments open to the public and (b) all employees of commercial establishments open to the public to wear face coverings at any time there is face to face interaction with the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PORT ROYAL, SOUTH CAROLINA**, in accordance with the forgoing as follows:

**Section 1. Requirements for Face Covering**

- a. All persons entering a commercial establishment open to the public in the Town must wear a face covering while inside the establishment. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section. "Masks, face shields or face coverings are not required when at a business and engaged in an activity that makes wearing a mask, face shield or face covering not

feasible, such as strenuous physical exercise, performers singing or playing an instrument if at least six (6) feet of distance is maintained from others."

- b. All commercial establishments in the Town must require their employees to wear a face covering at all times while having face to face interaction with the public.
- c. Any person who is unable to safely wear a face covering due to age, under the age of eight(8), due to an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from their Ordinance.

## **Section 2. Penalties.**

- a. A person who fails to comply with Section 1.a or Section 1.b of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$50.00; however, effort shall be made to allow voluntary compliance with the terms of this Ordinance prior to the issuance of any citation.
- b. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this section, repeated violations of this Ordinance by a person who owns, manages, operates or otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the Town Code of Ordinances, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by the town Code of Ordinances and laws of this state. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Section 1.b of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, et., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

**Section 3. Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end of the provisions of this Ordinance are declared to be severable.

**Section 4. Effective Date; Expiration.** The provisions hereof shall be adopted upon a singled hearing and two-thirds vote of the Governing Body, and **shall be effective at 8am on July 2, 2020**, and shall be terminated by the issuance of another ordinance or shall automatically expire on the 30th day after enactment of this Ordinance, whichever date is earlier.

**DONE, RATIFIED AND ENACTED AS AN EMERGENCY ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF PORT ROYAL, SOUTH CAROLINA, AT AN EMERGENCY MEETING**, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, on this 1<sup>st</sup> day of July, 2020

**TOWN OF PORT ROYAL, SOUTH  
CAROLINA**

(SEAL)

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Joe DeVito, Mayor

ATTEST:

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Brook Plank-Buccola, Town Clerk